

**Notice of Allowability**

Application No.

09/818,505

Examiner

Hugh Jones

Applicant(s)

GUPTA ET AL.

Art Unit

2128

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/28/2005.
2. ☒ The allowed claim(s) is/are 1-33.
3. ☒ The drawings filed on 28 March 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-33 of U. S. Application 09/818, 505, filed 03/28/2001 (Continuation of Application 08/927,291, filed 9/11/1997) are presented for examination.

**Allowable Subject Matter**

2. Claims 1-33 are allowed over the prior art of record.

3. The following is an examiner's statement of reasons for allowance:

Appellants map the independent claims to the specification in the "Summary of the Invention".

- Claim 1: (see lines 1-7, page 4, Appeal Brief). The prior art does not disclose or suggest the specific setup parameters, Gr, Gl, Or, Ol, Sr, Sl as recited in the Brief, in reference to claim 1, as defined in the specification (pp. 49-50, specification), and in the context of the claims.
- Claims 8, 16, 25: Appellants, in reference to claims 8, 16, 25, refer (pp. 4-6, Appeal Brief) to portions of the specification that again that disclose Gr, Gl, Or, Ol, Sr, Sl. These particular setup parameters, as defined in the specification, and in the context of the claims are not disclosed or suggested by the prior art of record.

*Group Technology* techniques are well known in the prior art as noted by Appellants in the specification lines 6-13, page 5, specification). *The prior art of record, while disclosing Group Technology techniques, does not expressly disclose or suggest the particular setup parameters Gr, Gl, Or, Ol, Sr, Sl, as*

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defined in the specification, *in the context of the claims*. Therefore, the rejections do not meet the conditions as suggested in MPEP section 2132, namely:

*"The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an **ipsissimis verbis** test, i.e., identity of terminology is not required. **In re Bond**, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)."*

4. Therefore, claims 1-33 are allowed over the prior art of record.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**6. Any inquiry concerning this communication or earlier communications from the examiner should be:**

**directed to:**

Dr. Hugh Jones telephone number (571) 272-3781, Monday-Thursday  
0830 to 0700 ET, **or**

the examiner's supervisor, Jean Homere, telephone number (571) 272-3780. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, telephone number (703) 305-3900.

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**mailed to:** Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:** (703) 308-9051 (for formal communications intended for entry)

**or**

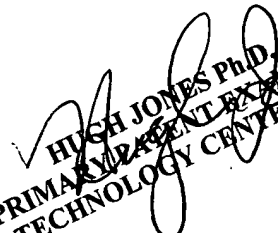
(703) 308-1396 (for informal or draft communications, please label

*PROPOSED* or *DRAFT*).

Dr. Hugh Jones

Primary Patent Examiner

July 22, 2005

  
HUGH JONES Ph.D.  
PRIMARY PATENT EXAMINER  
TECHNOLOGY CENTER 2100